

REMARKS

All claims except claims 21-28 have been cancelled. Claim 21 has been amended so that it is directed to identifying melanoma by detecting the over-expression of two genes in a human tissue sample. This is indicated when the expression levels exceeds a cutoff that correlates with a fifteen fold or more over expression of those genes. Support for this amendment is found in Table 14 on page 52, Table 10 on page 45 and throughout the specification.

The claims, as amended, recite that humans are the subject of the claimed test, the test sample is a tissue sample from which RNA is assayed, the process involved in conducting the test (PCR), the manner and degree to which one distinguishes melanoma in the sample (exceeding a cutoff that correlates with a 15 fold increase). Every aspect of the recited claim is thus set out with the specificity from which one skilled in the art could readily conduct the claimed method and arrive at the determination it is used to make (melanoma v. non-melanoma). There is adequate support in the specification to enable one to make and use this method and the results obtained are substantiated, for example, in Example 6 at page 47. *See also*, page 50, lines 11-25 and Table 14 at page 52. The claims are therefore definite and enabled.

The Commissioner is hereby authorized to charge our deposit account 10-0750/VDX5006USPCT/TFV for the costs incurred with this filing. If there are any additional charges or credits in connection with this filing, the Commissioner is hereby authorized to charge/credit the deposit account listed above.

Respectfully submitted,

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Dated: December 6, 2010